

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SINES et al.,

Movants,

v.

PEINOVICH,

Respondent.

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ORDER

20-MC-00243 (PMH)

20-MC-00245 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for Michael Peinovich appeared in person in my courtroom, and counsel for Elizabeth Sines, Seth Wispelwey, Marissa Blair, April Muniz, Marcus Martin, Natalie Romero, Chelsea Alvarado, John Doe and Thomas Baker (“Movants”) appeared telephonically, at 10:00 a.m. today. Oral argument was had on the record.


For the reasons indicated on the record and law cited therein, the motion to compel (20-mc-243, Doc. 1) is GRANTED in part and DENIED in part; and the motion to quash (20-mc-245, Docs. 1, 2) is GRANTED in part and DENIED in part. The Court modifies the document requests set forth in the subpoena duces tecum (20-mc-243, Doc. 4-3) as follows: (i) The time period to which the requests refer is modified to June 1, 2017 to the present; (ii) Demand Nos. 1, 2, 3 and 5 are modified such that they require Peinovich to produce relevant and discoverable documents, and communications with the persons and entities identified in these requests, to the extent they relate to the claims in the Charlottesville Action; (iii) Subpart (ii) of Demand No. 6 is stricken, and further modified such that it requires Peinovich to produce relevant and discoverable documents, and communications with the persons and entities identified in these requests, to the extent they relate to the claims in the Charlottesville Action; (iv) Demand No. 9 is modified such that any publicly available documents/information are not subject to production by Peinovich, and further

modified such that it requires Peinovich to produce relevant and discoverable documents, and communications with the persons and entities identified in these requests, to the extent they relate to the claims in the Charlottesville Action; (v) With respect to the foregoing, Peinovich shall produce responsive documents except for documents protected by the attorney-client privilege, and for any documents he contends is subject to privilege, he is directed to produce a privilege log; (vi) Peinovich's objections to Demand Nos. 4, 7, 8, 10, and 11 are sustained and these requests are stricken; (vii) To the extent Peinovich is not in possession, custody or control of documents responsive to the remaining requests, he shall so state in a written response to the demands as modified by this Court's Order today; (viii) Peinovich's written response and production of documents shall be served upon Movants within 30 days of the date hereof; (ix) The Court directs that Peinovich's deposition be conducted at a mutually agreeable date, time, and place following his service of the written response and document production (i.e., after 9/25/2020), which may be conducted by remote means pursuant to Fed. R. Civ. P. 30(b)(4), and which shall be arranged by Movants with the costs and expenses to be borne by Movants; and (x) Peinovich is not granted leave to submit his attorneys' time records as the Court will not entertain an application for sanctions under the facts of this case. See transcript.

The Clerk of the Court is respectfully directed to terminate the pending motions (Doc. 1 in 20-mc-243; and Docs. 1 and 2 in 20-mc-245); and administratively close this consolidated case.

SO ORDERED:

Dated: New York, New York
August 26, 2020



Philip M. Halpern
United States District Judge